

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

TOMMY MEADOWS,

Plaintiff,

v.

CORRECTIONAL OFFICER C.  
COPPICK, et al.,

Defendants.

Case No. 1:21-cv-322  
JUDGE DOUGLAS R. COLE  
Magistrate Judge Litkovitz

**ORDER**

This cause comes before the Court on the Magistrate Judge's October 5, 2021, Report and Recommendation ("R&R") (Doc. 18), which recommends that this Court **DENY AS MOOT** Defendants' Motion for Judgment on the Pleadings (the "Motion") (Doc. 11). For the reasons stated more fully below, the Court **ADOPTS** the Report and Recommendation (Doc. 18) and **DENIES** Defendants' Motion (Doc. 11) **AS MOOT**.

To start, the R&R advised the parties that failing to object within 14 days could result in forfeiture of rights on appeal, which includes the right to District Court review. (*See* Doc. 18, #88). *See also Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate's report to which no objections are filed."); *Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019) (noting "fail[ure] to file an objection to the magistrate judge's R&R ... is forfeiture"); 28 U.S.C. § 636(b)(1)(C).

Accordingly, the parties here needed to object by October 19, 2021. The time for filing objections has since passed, and no party has objected.

Nonetheless, although no party has objected, the advisory committee notes to Federal Rule of Civil Procedure 72(b) suggest that the Court still must “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *See also Mavrakis v. Warden*, No. 5:17-cv-2398, 2018 WL 4104187, at \*3 (N.D. Ohio Aug. 28, 2018) (reviewing for clear error absent an objection to a Magistrate Judge’s R&R); *Mason v. Comm’r. of Soc. Sec.*, No. 1:10 CV 2456, 2011 WL 3022016, at \*1 (N.D. Ohio July 22, 2011) (same); *Malone v. Nike*, No. 2:18-cv-02505-TLP-cgc, 2020 WL 4106316, at \*2 (W.D. Tenn. July 20, 2020) (same).

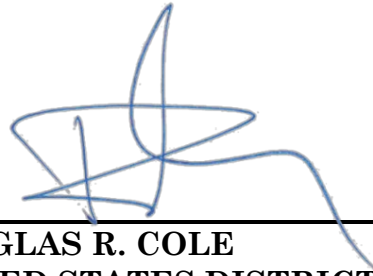
The Court has reviewed the R&R and determined that it does not contain “clear error on [its] face.” Fed. R. Civ. P. 72(b) (advisory committee notes). On September 1, 2021, Defendants moved for judgment on the pleadings (Doc. 11) as to the then-operative First Amended Complaint (Doc. 3). However, in a September 27, 2021, Order (Doc. 16), the Magistrate Judge granted Plaintiff Tommy Meadows leave to file a Second Amended Complaint. Meadows timely did so on October 4, 2021. (Doc. 17). Accordingly, in the R&R, the Magistrate Judge finds that the Defendants’ Motion (Doc. 11), which was directed at the now inoperative First Amended Complaint (Doc. 3), is moot.

Finding no error, much less clear error, in this conclusion, the Court **ADOPTS** the Report and Recommendation (Doc. 18) and **DENIES** Defendants’ Motion (Doc. 11) **AS MOOT**.

**SO ORDERED.**

January 5, 2022

**DATE**

A handwritten signature in blue ink, appearing to read 'Douglas R. Cole', is written over a horizontal line.

**DOUGLAS R. COLE**  
**UNITED STATES DISTRICT JUDGE**